

November 19, 2003

Justice Robert Young Jr.  
Michigan Supreme Court  
3034 West Grand Blvd., Ste. 8-500  
Detroit, MI 48909

Re: Case Management Work Group

Dear Justice Young:

The purpose of this letter is two fold. First we wish to confirm, and again thank you for, your willingness to serve on the Case Management Work Group jointly established by the Michigan Supreme Court and the Michigan Court of Appeals. Second, we wish to set out the mission of the Work Group. As you know, in the last several years the Court of Appeals has made concentrated efforts to reduce the delay on appeal in that Court. To date, the Court has made great progress. The Court's data reflect that in 2001 (the Court's base year for assessing its delay reduction achievements) it resolved approximately 7,600 cases. Of these, the Court disposed of 3,100 cases by opinion; the Court disposed of the remainder by order. On average in 2001, the Court disposed of the opinion cases within 653 days of filing. In March 2002, the Judges of the Court determined that this figure was not acceptable and adopted a comprehensive delay reduction plan. Since that time, the average number of days the Court takes to decide an opinion case has declined dramatically:

<u>2001</u>	<u>2002</u>	<u>January – September 2003</u>
653	603	565

The Court focused its initial efforts at reducing delay in the Judicial Chambers; the Judges recognized that they must lead the way in any delay reduction effort. As a result, the decline in the average time an opinion case spends in the Judicial Chambers has been particularly marked:

<u>2001</u>	<u>2002</u>	<u>January – September 2003</u>
61	40	32

The Court has also made considerable progress in reducing the average delay that occurs in the “Warehouse,” the term for cases that have completed the Intake phase (explained below) but that the Court’s Research Division cannot address due to lack of capacity in that Division:

<u>2001</u>	<u>2002</u>	<u>January –September 2003</u>
271	261	235

The Intake phase (starting with the filing of a new case, extending through briefing, and concluding with receipt of the full lower court record) is the last remaining area that the Court must address. In 2001, an opinion case spent 260 days on average in Intake. In 2002, that time was 240 days and in the first three quarters of 2003, it was 236 days. The Court’s objective is to reduce the time an opinion case spends in Intake to 173 days on average for cases filed on and after September 1, 2003. Such a reduction is critical to the Court’s ability to dispose of 95% of all cases, either by opinion or order, within 18 months of filing.

Pursuant to Administrative Order 2003-6, dated November 4, 2003 (copy attached), we ask that the Work Group assist the Court of Appeals in addressing this first stage of appellate case processing, the Intake phase, by developing a plan for the management of civil cases at the Court of Appeals that includes “just in time” briefing. We ask that the Work Group especially consider the following questions, for which the Court of Appeals will provide available background materials at or in advance of the first meeting:

- How much time on average did the Intake phase consume in 2001, 2002, and the first nine months of 2003? Of this, how much time, on average, was consumed by:
  - Stipulated extensions of time for the filing of briefs?
  - Motions granted by the Court of Appeals to extend the time for the filing of briefs?
  - Preparation and filing of appellants’ briefs?
  - Preparation and filing of appellees’ briefs?
  - Preparation and filing of appellants’ reply briefs?
- What are the major elements or steps in the Intake phase and how much time is consumed in each element or step?
- What steps can be taken to reduce this time, by:
  - Changes in trial court procedures not covered by the court rules?
  - Changes in Court of Appeals procedures not covered by the court rules?
  - Changes in the court rules?
  - Changes in statutes?
- If such changes might involve increased costs, what is the magnitude of such costs and how might such costs be funded?

- Are there other aspects of the Intake phase that should be addressed?
- What types of differentiated case management techniques might the Court utilize and what estimated timesavings might each type achieve?
- What types of “just in time” briefing techniques might the Court utilize and what estimated timesavings might each type achieve?

We hope the Work Group can address these questions, and any others it considers significant, so that a plan can be submitted to the Supreme Court by February 1, 2004. Chief Judge William C. Whitbeck of the Court of Appeals will chair this effort. Judge Whitbeck will contact you soon to arrange a schedule of meetings of the Work Group. Attached for your reference is a list of the Work Group members and a member information form that we ask you to complete and return to Chief Judge Whitbeck’s office.

Again, thank you for agreeing to participate in this important undertaking. We look forward to working with you in the future.

Sincerely,

/s/

Maura D. Corrigan  
Chief Justice, Michigan Supreme Court

/s/

William C. Whitbeck  
Chief Judge, Michigan Court of Appeals

Enclosures

## **CASE MANAGEMENT WORK GROUP**

Chief Judge William C. Whitbeck, Chairperson  
Michigan Court of Appeals

Justice Robert Young Jr.  
Michigan Supreme Court

Judge Michael Talbot  
Michigan Court of Appeals

Chief Judge Peter Maceroni  
16th Judicial Circuit Court

Ms. Denise Devine  
Michigan Court of Appeals

Mr. Terence Flanagan  
Michigan Appellate Assigned Counsel System

Mr. Donald Fulkerson  
Attorney at Law

Mr. Carl Gromek  
Michigan Supreme Court

Mr. John Jacobs  
Attorney at Law

Mr. Timothy McMorrow  
Assistant Kent County Prosecuting Attorney

Ms. Sandra Mengel  
Michigan Court of Appeals

Mr. Douglas Messing  
Michigan Court of Appeals

Ms. Mary Massaron Ross  
Attorney at Law

Mr. Larry Royster  
Michigan Court of Appeals

Ms. Evelyn Tombers  
Thomas M. Cooley Law School

Ms. Hannah Watson  
Michigan Court of Appeals